REMARKS/ARGUMENTS

The Office Action has been carefully considered. The issues raised are traversed and addressed below with reference to the relevant headings and paragraph numbers appearing under the Detailed Action of the Office Action.

Specification

In view of the Examiner's objections raised in paragraphs 2 and 3 of the Office Action the abstract has bee revised to remove the legal phraseology, as well as to remove reference to Figure 8. We believe that the revised abstract is now acceptable.

Additionally, Page 1 of the specification has been amended to update the list of co-pending applications with USPTO application serial numbers.

Double Patenting

In view of the Double Patenting objection raised in paragraphs 4, 5 and 6 the Applicant is filing a Terminal Disclaimer herewith. We believe that this overcomes the Double Patenting objections.

Claim Rejections – 35 USC § 102

In view of the Examiner's objections raised in paragraphs 7 and 8 of the Office Action claim 1 has been amended to incorporate the features of previously dependent claim 18. We respectfully submit that the claim as amended is now novel and inventive over the cited prior art document Price et al.

In particular, claim 1 now specifies that data is only transmitted to the receiver when a force sensing means provided in the data capturing device senses that contact between the data capturing device and a surface has been broken. We respectfully submit that this is not described in Price et al.

In this regard, we note that in paragraph 8 of the Office Action the Examiner has raised objections to previous claim 18 and dependent claim 17 on the basis of certain sections of Price et al. We acknowledge that as described by the Examiner, the use of a pressure sensitive switch in the stylus 45 is described in column 20, lines 4 to 8 of Price et al. However, in contrast to the present invention as defined by claim 1 the pressure sensitive switch is not used to determine when contact between the data capturing device and a surface has been broken. Instead, as shown in Figure 12 and described in column 25, lines 27 to 34, the pressure sensitive switch is used to determine when the stylus comes in to contact with the receipt 35, which is used to initiate a data capture procedure.

However, as further set out in Figure 12 and column 25 lines 49 to 64, the digitiser continues to collect data until a suitable trigger is received. This trigger does not correspond to breaking of contact between the capturing device and the surface. Instead, the suitable signal is in the form of a "exit signature capture mode" instruction or a time out instruction. The document goes on to clarify that the signature capture process therefore continues until either the merchant observes that a customer has completed signing the receipt and presses a respective key to generate the "exit signature capture mode" instruction, or the time out is reached. Accordingly, there is no disclosure within this document of determining when contact between a data capturing device and a surface has been broken.

We therefore respectfully submit that claim 1 as revised is at least novel over the cited prior art.

Claim Rejections – 35 USC § 103

In addition to this, we respectfully submit that above-mentioned distinction is not trivial and highlights major differences in the operation of the current invention. In particular, in the system of Price et al the system operates by capturing data relating to a complete signature as shown for example in the loop defined at step 445 in Figure 12. Once the entire signature has been determined, the process moves on to compress the data at step 455 before sending the data back to the POS terminal at 465. Thus, this operates to capture an entire signature in a single process.

As will be appreciated by the Examiner, the pen may leave the surface of the receipt a number of times during the provision of a single signature. It is not therefore appropriate for the system of Price et al to determine when contact between the pen and the surface has been broken as this may lead to the premature determination that a signature has been provided, when in fact only a portion of the signature is provided.

In contrast to this, the present invention allows handwriting to captured as a series of strokes as described for example on page 27, lines 5 to 9 of the specification as filed.

In this regard, as a stroke is captured by the pen, the time stamped pen positions defining the stroke are stored in the buffer until completion of the stroke. At completion of the stroke, the stroke data can be tagged with a page ID of the page before being transferred to the data processing means.

Thus, in contrast to attempting to capture an entire signature in which a number of strokes are provided, the present invention relates to a system which captures individual strokes, stores the individual strokes in a buffer and then transmits the individual strokes from the buffer to the data processing means when the receiver is located within the transmission range of the transmitter. Accordingly, the present invention utilises the force sensing means to detect the end of capture of a respective stroke and we do not believe that this is taught or suggested by any of the prior art documents. In view of this, we believe that the claims as amended are novel and inventive over the cited prior art.

Claim 19 has been amended in accordance with the amendments made in claim 1 to clarify that buffered data is transmitted when the receiver is within the transmission range and when contact between the data capturing device on the surface is broken. In view of the amendments made to claim 19 we believe that this is also novel and inventive over the cited prior art.

Additional Claim Amendments

In view of the amendments made to claim 1 as discussed, claim 18 has been cancelled from the application.

In addition to this, claim 1 has been amended to correct reference to data storage means which was incorrectly indicated instead of data processing means.

Furthermore claim 11 to 17 have been amended to correctly refer to a system instead of a sensing device.

CONCLUSION

In light of the above, it is respectfully submitted that the objections and claim rejections have been successfully traversed and addressed. The amendments do not involve adding any information that was not already disclosed in the specification, and therefore no new matter is added. Accordingly, it is respectfully submitted that the claims 1 to 19, and the application as a whole with these claims, are allowable, and a favourable reconsideration is therefore earnestly solicited.

Very respectfully,

Applicant:

KIA SILVERBROOK

PAUL LAPSTUN

C/o: Silverbrook Research Pty Ltd
393 Darling Street
Balmain NSW 2041, Australia

Email: kia.silverbrook@silverbrookresearch.com

Telephone: +612 9818 6633

Facsimile: +61 2 9555 7762